

FILED

JUL 13 2012

By THOMAS E. DUFFY, CLERK

DEPUTY CLERK, MISSOULA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA

HELENA DIVISION

In re PRESTON EDWARD GOFF,)	Cause No. CV 12-92-M-DLC
)	
Petitioner.)	ORDER OF DISMISSAL
)	
)	

On June 4, 2012, Petitioner Preston Goff filed an "Ex Parte Petition." Goff is a state prisoner proceeding pro se.

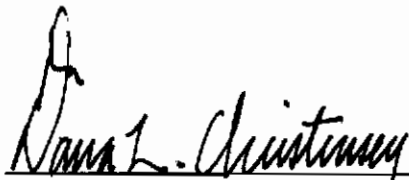
Goff does not ask the Court to release him from confinement, as a habeas petitioner ordinarily would. Instead, he asks Judge Leif B. Erickson¹ to clarify the sentence he imposed on Goff in state court on August 31, 1987. But no federal action is available for the purpose of seeking clarification of a state court judgment. This Court lacks jurisdiction to issue what would essentially be an advisory opinion.

¹ The Honorable Leif B. Erickson served as a district judge in Montana's Eleventh Judicial District Court. He sentenced Goff on August 31, 1987. He was appointed to the federal bench as a United States Magistrate Judge on January 16, 1992. But he retired from the federal bench in June 2006, so he is not available to consider Goff's petition.

If Goff believes he is in custody in violation of federal law, he may initiate a new action by filing a petition for writ of habeas corpus. Forms for doing so are available both at the Prison and, on request, from the Clerk of Court. The petition at hand is not a habeas petition and will not be construed or recharacterized as one.

Accordingly, IT IS HEREBY ORDERED that Goff's petition (doc. 1) is DISMISSED. No further submissions will be considered in this closed case.

DATED this 13th day of July, 2012.



Dana L. Christensen
United States District Judge